

Message Text

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ORIGIN OES-07

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TO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: ESTC, CA

SUBJECT: EXPORT CONTROL OF US TECHNOLOGY

1. CANADIAN MINISTER OF SCIENCE BUCHANAN VISITED DEPUTY ASSISTANT SECRETARY GANLEY AT THE DEPARTMENT OF STATE ON NOVEMBER 14 AND DISCUSSED PROBLEMS ARISING FROM DEFENSE SECRETARY BROWN'S INTERIM POLICY STATEMENT MEMORANDUM ON EXPORT CONTROL OF UNITED STATES TECHNOLOGY DATED AUGUST 26, 1977. A MEETING WAS ARRANGED WITH MR. BALE CHURCH, DEPUTY UNDER SECRETARY FOR RESEARCH AND ENGINEERING, DEPARTMENT OF DEFENSE ON DECEMBER 21 FOR AMBASSADOR PETER TOWE AND MAJOR GENERAL GORDON OCKENDEN. AT THE MEETING MR CHURCH RELEASED COPIES OF HIS MEMORANDUM DATED DECEMBER 21, 1977 CLARIFYING SECRETARY BROWN'S MEMO. IN EFFECT IT SAYS THAT THE AUGUST 26 MEMO DOES NOT CHANGE THE PROVISIONS OF PART 125 OF ITAR AND THEREFORE POLICY WITH RESPECT TO CANADA DOES NOT CHANGE AS A RESULT OF THE SECRETARY'S MEMO. TEXTS OF MR. CHURCH'S MEMO FOLLOWS:
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QUOTE: IT HAS COME TO THE ATTENTION OF THIS OFFICE THAT THERE MAY BE CERTAIN MISINTERPRETATIONS REGARDING THE SECRETARY OF DEFENSE INTERIM POLICY STATEMENT MEMORANDUM ON EXPORT CONTROL OF UNITED STATES TECHNOLOGY DATED 26 AUGUST 1977. AS A RESULT, US DEFENSE CONTRACTORS MAY BE

ENCOUNTERING UNNECESSARY DIFFICULTIES IN EXPORTING CLASSIFIED AND UNCLASSIFIED TECHNICAL DATA.

IN ADDITION I WOULD LIKE TO HIGHLIGHT A PARAGRAPH ON PAGE 3 OF THE SECRETARY OF DEFENSE INTERIM POLICY STATEMENT DATED 26 AUGUST 1977 THAT STATES:

"DEFENSE WILL SUPPORT THE TRANSFER OF CRITICAL TECHNOLOGY TO COUNTRIES WITH WHICH THE US HAS A MAJOR SECURITY INTEREST WHERE SUCH TRANSFERS CAN: 1) STRENGTHEN COLLECTIVE SECURITY, 2) CONTRIBUTE TO THE GOALS OF WEAPONS STANDARDIZATION AND INTEROPERABILITY, AND 3) MAXIMIZE THE EFFECTIVE RETURN ON THE COLLECTIVE NATO ALLIANCE OR OTHER ALLIED INVESTMENT IN R&D."

THIS CALLS FOR A MORE FORTHCOMING POLICY REGARDING TRANSFERS TO OUR NATO ALLIES AND OTHERS WITH WHICH WE ARE CLOSELY ALIGNED. IN PARTICULAR, DEPARTMENT OF DEFENSE ACTIONS MUST GIVE FULL WEIGHT TO THE ADVERSE EFFECT ON NATO ALLIANCE CAPABILITY THAT WOULD RESULT FROM DENIAL OF PARTICULAR TRANSFERS. BECAUSE OF OUR INTERDEPENDENCE WITH THESE ALLIES, OUR FUTURES ARE INSEPARABLY LINKED IN A COMMON CAUSE. THE INTERIM POLICY HIGHLIGHTED ABOVE RECOGNIZES THE CORRESPONDENCE BETWEEN OUR NATIONAL INTEREST AND OUR ALLIANCE INTERESTS.

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FURTHER, THE SECRETARY OF DEFENSE INTERIM POLICY DOES NOT CHANGE THE PROVISIONS OF PART 125 OF THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR). THESE PROVISIONS STILL FULLY APPLY WITH REGARD TO THE EXPORT OF UNCLASSIFIED TECHNICAL DATA AND CLASSIFIED INFORMATION (DATA AND EQUIPMENT), INCLUDING THE EXCEPTIONS PROVIDED THEREIN. FOR EXAMPLE, THE EXCEPTION PERTAINING TO TRANSFER OF UNCLASSIFIED INFORMATION TO CANADA. END QUOTE

2. COPIES OF BOTH SECRETARY BROWN'S MEMO OF AUGUST 26, 1977 AND MR. CHURCH'S MEMO OF DECEMBER 21, 1977 ARE BEING FORWARDED TO THE EMBASSY VANCE

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